

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 17, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ERICA DAVIS, as Personal
Representative of the Estate of Andrew
Dale Davis, deceased, and minor
children, JD, minor child, SD, minor
child,

Plaintiffs,

vs.

TAMARACK AEROSPACE GROUP,
INC.,

Defendant.

Case No. 2:20-CV-00060-MKD

ORDER GRANTING AMENDED
RENEWED STIPULATED MOTION
TO DISMISS

ECF Nos. 126, 127

Before the Court is the parties' Amended Renewed Stipulated Motion to
Dismiss.¹ ECF No. 127. On June 1, 2023, the Court denied the parties' request to

¹ Also pending is a Renewed Stipulated Motion to Dismiss, ECF No. 126. ECF
No. 126 lacks the requisite signatures for compliance with Fed. R. Civ. P. 41. As
the amended filing corrects the error, ECF No. 126 is denied as moot.

1 dismiss this case, citing lack of adherence to LCivR 17(c). ECF No. 121. The
2 Court appointed a Guardian ad Litem to investigate and prepare a report. The
3 Court has reviewed the docket, the settlement, the Guardian ad Litem's report, and
4 has approved of the settlement. The Court finds that settlement and dismissal of
5 this case is in the best interest of the minor plaintiff. *Robidoux v. Rosengren*, 638
6 F.3d 1177, 1181 (9th Cir. 2011).

7 Fed. R. Civ. P. 41(a)(1)(A)(ii) provides that the plaintiff may dismiss an
8 action without a court order by filing a stipulation of dismissal signed by all parties
9 who have appeared. The instant amended stipulated renewed motion requests that
10 the court dismiss this case with prejudice and no award of costs, and has been
11 signed by counsel for Plaintiffs and for Defendant. ECF No. 127 at 3-5.

12 Accordingly, **IT IS ORDERED:**

13 1. The parties' Renewed Stipulated Motion to Dismiss, **ECF No. 126**, is
14 **DENIED AS MOOT**. The parties' Amended Renewed Stipulated Motion to
15 Dismiss, **ECF No. 127**, is **GRANTED**.

16 2. Pursuant to Rule 41(a)(1)(A)(ii) and the parties' stipulation, all claims
17 in Case No. 2:20-CV-00060-MKD are **DISMISSED with prejudice**, without an
18 award of fees or costs.

19 3. Any pending motions are **DENIED as moot**.

20 4. All hearings and other deadlines are **STRICKEN**.

1 **IT IS SO ORDERED.** The District Court Executive is directed to file this
2 Order, provide copies to counsel, and **CLOSE** the file.

3 DATED July 17, 2023.

4 *s/Mary K. Dimke*
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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